



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

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RETURN RECEIPT REQUESTED

JUN 19 2009

8P-HW

Ryan Badten, Supervisor
Walworth County Landfill
12925 SD Highway 1804
Selby, South Dakota 57472

RE: The Currently-Active Landfill Cell at the Walworth
County Landfill is Acceptable

Dear Mr. Badten:

This letter is in response to your e-mail of April 29, 2009, in which you requested an Off-Site Rule (OSR) acceptability determination for the Walworth County Landfill facility. As you may be aware, EPA promulgated the OSR to assure that wastes from sites being cleaned up under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) are sent to treatment, storage and disposal facilities that are environmentally sound, thereby preventing those wastes from contributing to present or future environmental problems.

EPA has completed its evaluation of the currently-active landfill cell at the Walworth County Landfill facility and has determined that this waste management unit is acceptable to receive waste generated pursuant to CERCLA. This determination was based largely on information provided in a letter dated June 2, 2009, from Vonni Kallemeyn, Administrator of the Waste Management Program for the South Dakota Department of Environment and Natural Resources (SDDENR). In that letter, Ms. Kallemeyn provided information on the two criteria that EPA uses as the basis to determine the acceptability of the facility: relevant violations and uncontrolled releases. Ms. Kallemeyn reported that there are no pending violations against the Walworth County Landfill and that the Walworth County Landfill is currently in physical compliance. Ms. Kallemeyn also reported that there are no known indications that an environmentally significant release of hazardous substances has occurred at the Walworth County Landfill.

In addition to consulting with the State, EPA conducted a site visit of the Walworth County Landfill facility on June 16, 2009. EPA findings from that visit were consistent with the State's conclusion that the facility satisfies the two criteria.



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This OSR determination is valid only for the currently-active landfill cell. Please note that all other treatment, storage, and disposal units must be evaluated and found acceptable under the OSR prior to receiving CERCLA wastes. Please also note that the CERCLA Off-site Rule status for a facility is subject to change based on future findings of noncompliance and/or releases to the environment.

For your convenience, I have enclosed a copy of the OSR with the preamble as it appeared in the Federal Register. The rule without the preamble can be found in the Code of Federal Regulations at 40 CFR 300.440.

If you have any questions regarding this letter or the CERCLA Off-Site Rule, please contact Terry Brown, Off-Site Rule Coordinator for EPA-Region 8, at (303) 312-6419.

Sincerely,



Steven A. Burkett, Director
Solid and Hazardous Waste Program

Enclosure

Cc: James Wendte - SDDENR w/o enclosure